



## REGULAR / OUTREACH COMMITTEE MEETING MINUTES

for

Wednesday, July 23, 2008

4:00 P.M. – 5th Floor Large Conference Room

and

5:30 P.M. – Art Pick Council Chambers

3900 Main Street, Riverside, CA

### CASE REVIEW – 4:00 P.M.

#### Case Review Roll Call

Rotker	Soubirous	Hubbard	Brandriff	Ward	Pearcy	Corral	Santore	Beeman
✓	✓	✓	✓	A	✓	A	✓	✓

✓ = Present    A = Absent    L = Late    LE = Left Early

**STAFF:** Kevin Rogan, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

#### Public Comment

There was no public comment.

#### Closed Session – Case Reviews

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:03 p.m. to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

	CPRC CASE NO.	RPD CASE NO.
1)	07-058	PC-07-09066
2)	07-061	PC-07-09069
3)	08-003	PC-08-02010
4)	07-046	PC-07-07056

The Commission recessed at 5:30 P.M. to reconvene in the Council Chambers.

## REGULAR MEETING – 5:30 P.M.

Audio for the following proceedings is available on the CPRC website:

[www.riversideca.gov/cprc](http://www.riversideca.gov/cprc)

Copies can also be obtained by calling the CPRC office at (951) 826-5509.

Chairman Percy led in the Pledge of Allegiance. Following the Pledge, he asked Ms. Sherron to confirm commissioner attendance.

### Regular Meeting Roll Call

Rotker	Soubirous	Hubbard	Brandriff	Ward	Percy	Corral	Santore	Beeman
✓	✓	✓	✓	A	✓	A	✓	✓

✓ = Present    A = Absent    L = Late    LE = Left Early

**STAFF:** Kevin Rogan, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

### Public Comments

Mary Shelton said she was glad that current officer-involved death information was placed online. She said she was disturbed regarding the Pablo incident saying that the press release isn't that different from the press release regarding the Rabb OID.

### Approval of Minutes

Minutes for Approval	Motion	Second	Approve	Oppose	Abstain
A) June 25 Meetings					
1) Regular Meeting	Rotker	Santore	6	0	1
2) Outreach Committee Meeting	Rotker	Santore	6	0	1
B) July 9 Case Review / Special Meeting	Rotker	Santore	6	0	1
C) Addition of RPD Mental Health Training PowerPoint Presentation to May 28 Minutes	Rotker	Brandriff	6	0	1

### Pablo Incident

Briefing and discussion regarding CPRC purview.

Chairman Percy asked Staff for a briefing, noting this would also be used as an opportunity for discussion regarding CPRC purview.

Mr. Rogan said that the RPD press release is the only information currently available. He advised the Commission to wait for further information because the cause of death in this case isn't known. Mr. Rogan said that the Coroner's office has been asked by RPD to handle this case with priority and he recommended waiting for the Coroner's report.

Mary Shelton said that it is “terrible” that deaths which aren't shootings are handled differently, noting that they shouldn't be handled differently. She said it would have been a great opportunity to use the new investigator to get more information. She also said she couldn't believe that the only official information is a press release. She closed by stating that there are many questions regarding this incident and the case should be investigated.

Nanette Pratini said it is clear from the Charter that the use of firearms doesn't determine if a case is an officer-involved death. She also noted that RPD didn't have the courtesy to contact the CPRC.

Dr. Ron Bailey supported the statements by Ms. Pratini and Ms. Shelton. He was also critical of why the CPRC has to wait for the Coroner's report. Dr. Bailey feels there is complicity between medical personnel and officers. He encouraged the Commission to broaden its scope and feels it is on firm ground to obtain medical records as the Coroner's report won't give the needed information.

Chairman Percy asked City Attorney Greg Priamos to review Charter Section 810 regarding the Commission and its duties.

Mr. Priamos reviewed Charter Section 810, D. He noted that the Commission should look to the Coroner for a determination of whether or not RPD caused or contributed to the death of an individual. If the Coroner determines RPD did not cause or contribute to the individual's death, then it is not an OID.

Chairman Percy asked for commissioner questions and comments.

Commissioner Rotker:

- noted that the handcuffing could have contributed to Mr. Pablo's death and asked if there was information the Commission could obtain from RPD regarding what took place at the scene.
  - Mr. Priamos said the Coroner will conduct a full investigation regarding the cause and manner of death to determine if the officers' actions had any bearing on Mr. Pablo's death.
- said the Commission should wait for the Coroner's report and if it shows no involvement by officers, then the CPRC should not be involved; asked if RPD could give the Commission information prior to the Coroner's report.
  - Mr. Priamos advised that would be up to the Chief of Police.
- wants to know what took place at scene
- expressed concerned that RPD elected to not attend this meeting.
- believes that much of the discussion may not have occurred had RPD attended.
- stated that while it would be a violation of the Charter for the Commission to do anything on its own, it doesn't change the fact that there are unanswered questions.

Commissioner Brandriff:

- can the Commission vote on whether or not to pursue
  - Mr. Priamos said it can, but advised not to take that action
- can't see a down side to beginning an investigation as it would be good to provide transparency to public.
- what would happen if Commission went forward
  - Mr. Priamos said that the Commission would be acting outside its Charter authority; based on the available information, the incident doesn't fall within CPRC jurisdiction. If the incident doesn't fall in the Commission's jurisdiction, there would be a violation of the Charter, which is a misdemeanor.
- would there have to be intent for there to be charges
  - Mr. Priamos said that a lack of intent is not necessary for there to be a violation. He advised this was not a threat; he was just giving the requested information.
  - Mr. Priamos advised that, based on confidential information, the incident does not fall within CPRC purview.

- would there be a problem with the Commission going to outside counsel
  - Mr. Priamos advised that the Commission does not have the authority to seek outside counsel.

Commissioner Beeman:

- Mr. Pablo was briefly handcuffed, which creates the connection to put the case in CPRC purview. She asked what harm there would be to have an investigator collect preliminary evidence in case it is determined that the incident does fall in the Commission's purview.
  - Mr. Priamos said he believed her interpretation is incorrect.
- There could be other interpretations which are reasonable and legal.
  - Mr. Priamos noted that he drafted the language and knows intent behind it, believing that would take precedent over another attorney's opinion.
- believes the Commission should err on side of caution, the side of transparency.
- believes an investigator should be hired while waiting for the Coroner's report in order to preserve evidence.

Commissioner Hubbard:

- believes it is the responsibility of the Commission to operate under Charter.
- said it is the Commission's duty and task to wait for the Coroner's report.

Commissioner Santore agreed with Commissioner Hubbard.

Chairman Percy:

- expressed concern about the Commission's obligation to preserve evidence regarding the incident
- said that Mr. Priamos noted there may be preliminary evidence available that can be shared.
  - Mr. Priamos advised that the information he has is confidential and cannot be shared at this time.
- said he has questions regarding the level, type, and length of contact by officers. He expressed disappointment that RPD did not attend the meeting to provide this information; doesn't think this is confidential information.
- would the City Attorney obtain outside guidance for the Commission; how is that determined.
  - Mr. Priamos said he personally retained Mr. Touchstone from Best, Best, & Krieger regarding the Lane case. He noted outside counsel is determined on a case by case, instance by instance basis.

### **Hill Officer-Involved Death (OID) Evaluation Process**

Discussion of the Commission's public report regarding the officer-involved death of Joseph Hill on October 19, 2006, Stage II, Fact Certification Process.

Chairman Percy opened the item for public comment.

Mary Shelton feels there should be an analysis of the scene and additional interviews of witnesses. She thought the report was "a bit slim" and believes it is important to know where everyone was. She also noted that there wasn't much information from Coroner's report regarding the locations of gunshots.

Leslie Braden said the protocol was not normal for a routine traffic stop. She also expressed concern about reports concerning Mr. Hill's criminal history.

Chairman Percy:

- said he found the report rather thin and expressed concern over a lack of information;
- suggested consideration be given to having the new CPRC investigator conduct further investigation

- asked commissioners to present questions to staff

Commissioner Beeman:

- not satisfied with Baker Street and agreed with suggestion to use new investigator;
- asked for answer to a prior question regarding previous contacts between RPD and Mr. Hill
  - Mr. Rogan advised he should have an answer to the question by the next meeting.

Commissioner Rotker:

- asked for information about the new investigator and the rationale for using him;
  - Chairman Percy advised it could be beneficial to have an additional investigator, but using the other investigator would be for a comparison of the work product. He also noted that the new firm offered better analysis in use of force issues, better illustrations.

Chairman Percy asked the Commission to consider having either Baker Street or Martinelli's provide diagrams and illustrations of the scene regarding the locations of the officers, Mr. Hill, and witnesses.

Mr. Rogan recommended that, because of their investigation in this case, Baker Street be given the opportunity to provide a more satisfactory report. He noted it would also be quicker because they are more involved with the case.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
To have Baker Street Group provide follow-up information, clarification to questions, and additional documentation and diagrams	Rotker	Brandriff	7	0	0

### **Cloud Officer-Involved Death (OID) Evaluation Process**

Discussion of the Commission's public report regarding the officer-involved death of Douglas Steven Cloud on October 8, 2006:

- Complete Stage II, Fact Certification Process
- Initiate discussion of Stage III, Policy & Procedure Certification Process

Chairman Percy said he hoped to start Stage III discussion and asked Staff to present information, if any, prior to public comment.

Mr. Rogan advised that most items in the "footnoted document" presented to the Commission are from the criminal casebook. He also suggested that documents of this type be handled by the CPRC's investigator rather than Staff.

Commissioner Rotker feels it is important that the investigator give a "rundown" of the incident scenario along with a statement of facts.

Commissioner Beeman asked if the statement of facts would be available on the CPRC website. Mr. Rogan said yes. She also asked if the Commission would go through the case piece-by-piece, with discussion of areas where there may be questions. Chairman Percy responded, saying that "the weighing will come later," noting that current discussion is to determine whether or not something is a relevant or a disputed fact.

Chairman Percy said the Commission would first gather the facts and then determine relevance. If something is seen that should be included, it will be.

Commissioner Brandriff noted there was nothing in the fact sheet from the autopsy report. Mr. Rogan stated the focus was through the shooting, but he would include autopsy information if asked.

Chairman Percy opened the item for public comment.

Mary Shelton thanked the Commission for posting case information online. She expressed concern about the absence of forensic evidence and relative positions, noting that there are more than a few facts that are undetermined.

Teresa Cloud said that her son, Doug, was under the influence of Methedrine. She also said no one ever saw a weapon and that Officer Vazquez shot without warning. She said that autopsy photos and witness information are inappropriate to post online. She also noted that the Commission should do its job and evaluate the actions of the police.

Mr. Rogan acknowledged that posting the entire casebook was hasty and apologized. He noted that it wasn't intended to cause pain, but to provide transparency.

Chairman Percy also apologized, noting that the posting of casebook information online is a new procedure. He added that while all the information in the casebook is available to the public, there is a variety of information that would be imprudent to make available in that manner such as witness information and certain photos.

Commissioner Beeman agreed, saying it was a reasonable practice. She noted that certain information should not be provided online and that the posted casebook should clearly note what information is being excluded.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That Staff redact personal information such as addresses and phone numbers and remove autopsy and death scene photos of a sensitive nature from the Cloud OID casebook and all future OID casebooks that go online, noting the items that have been removed, but that they can be obtained upon request	Rotker	Soubirous	7	0	0

Chairman Percy suggested that, due to the current time, discussion of the Cloud Fact Sheet take place at next meeting.

### **Commissioner Comments**

Commissioner Soubirous thanked staff for the Cloud Fact Sheet.

Commissioner Beeman thanked staff for the Cloud Fact Sheet and apologized to Mrs. Cloud for some of the information that was posted online.

### **Items for Future Commission Consideration**

Chairman Percy recommended future discussion regarding the Commission's process for handling a potential officer-involved death case.

Commissioner Beeman asked for future discussion of credibility assessment in cases where a violation of policy occurred because the recorder wasn't used.

### **Adjourn to Outreach Committee Meeting**

The Commission adjourned to the Outreach Committee Meeting at 8:11 PM.

## OUTREACH COMMITTEE MEETING

### Roll Call

Rotker	Soubirous	Hubbard	Brandriff	Ward	Pearcy	Corral	Santore	Beeman
✓	✓	✓	✓	A	✓	A	✓	✓

### Public Comment

There was no public comment.

### CPRC Outreach Material

#### A) Updates on

##### 1) Development of posters

Mr. Rogan had no information to present to the Committee.

##### 2) Public Service Announcement (PSA) Video

###### a) Selection of video participants

Mr. Rogan advised that the PSA would need two to three people and that there needed to be a variance in gender and ethnicity. Committee Chair Beeman asked that an e-mail interest request be sent to all commissioners.

#### B) Development of CPRC process information guide

Committee Chair Beeman recommended the development of a process guide regarding what the Commission does and why. Mr. Rogan suggested a tri-fold similar to the current brochure, but that goes into more detail regarding what the Commission does.

Committee Chair Beeman suggested a general guide to what occurs during meetings.

Commissioner Brandriff suggested a brochure regarding what to expect when a complaint is filed.

Commission Chair Percy recommended multiple guides: 1) who we are and what we do; 2) the complaint process; 3) what to expect when attending a meeting – what attendees can and can't do.

Commissioner Soubirous suggested posting the information on the CPRC website while research is done regarding the cost of printed material.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
To develop multiple information guides regarding who the Commission is and what it does, the complaint process, and what to expect when attending a meeting and for this information to be posted online prior to development of printed versions	Pearcy	Brandriff	7	0	0

**Items for Future Committee Consideration**

There were no items presented for future Committee consideration.

**Adjournment**

The Outreach Committee adjourned at 8:21 PM.

Respectfully submitted,



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PHOEBE SHERRON  
Sr. Office Specialist